

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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IVAN JOHNSON,

Plaintiff,

v.

ORDER

STAFF AT COLUMBIA CORRECTIONAL  
INSTITUTION, SUE NOVAK, DEPUTY WARDEN  
WEBER, BRIAN GUSTKE, LT. JUDD, LT. OLSON,  
C.O. BORTZ, and NURSING STAFF,

20-cv-158-jdp

Defendants.

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Plaintiff Ivan Johnson, an inmate at Columbia Correctional Institution (CCI), filed a complaint and requested a preliminary injunction against defendant CCI officials, contending that they were denying him use of his CPAP machine and heart monitor. Dkt. 1. Defendants responded with a declaration from Johnson's physician stating that his CPAP machine had been taken from him because he had attempted to hang himself with it, that he had not been using the CPAP machine frequently prior to his self-harm attempt, and that his heart monitor was still in place. Dkt. 7. This convinced me that Johnson did not face an immediate danger that would warrant emergency action by the court, so I directed him to reply to defendants' response by March 6, 2020. Dkt. 9.

Johnson did not do so, nor did he pay the filing fee for this case or submit a request to proceed in forma pauperis by March 18, as directed by the clerk of court, Dkt. 8. Accordingly, I will dismiss his case for his failure to prosecute it. I will also deny defendants' motion for summary judgment on exhaustion grounds, Dkt. 3, as moot.

ORDER

IT IS ORDERED that:

1. This case is DISMISSED without prejudice for plaintiff Ivan Johnson's failure to prosecute it. The clerk of court is directed to enter judgment for defendants and close this case.
2. Defendants' motion for summary judgment on exhaustion grounds, Dkt. 3, is DENIED as moot.

Entered March 30, 2020.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge